

UNAPPROVED
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -MARCH 29, 2011- -6:00 P.M.

Mayor Gilmore convened the meeting at 7:07 p.m. Councilmember Johnson led the Pledge of Allegiance.

ROLL CALL – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA ITEM

(11-143) General Fund Budget

The Controller gave a Power Point presentation.

Councilmember Johnson inquired whether other funds cover General Fund costs, such as public safety; stated portions of Police costs were paid out of Alameda Reuse and Redevelopment Authority (ARRA) in the past.

The Controller responded most costs are accounted for out of the General Fund; stated a cost reimbursement is done from other funds if other funds benefit from the service; ARRA is an excellent example; cost reimbursement is done from the fund for Police services provided to ARRA; the cost allocation plan maximizes reimbursement from other funds.

Councilmember Johnson inquired whether the complete amount spent on a department, such as Police, is shown in the General Fund, to which the Controller responded mostly; stated grant regulations require grant funds to be accounted for separately; the majority of Police and Fire expenses are in the General Fund.

Councilmember deHaan stated 31% is spent on Fire and 38% is spent on Police inquired what were the percentages for previous fiscal years.

The Controller responded that he would have to do research and provide said information.

Councilmember deHaan stated that he recalls public safety being around 65%; there has been a growth of 4%, which is a concern.

The Controller stated the amount has probably grown due to PERS and health costs going up.

Councilmember deHaan stated there is a tipping point; having the amount be 70% of

the General Fund would be concerning.

The Acting City Manager stated public safety costs are typically around 2/3 [of General Fund expenditures] or higher; the City is not out of the norm.

Councilmember deHaan requested the percentages for the last 5 years.

The Controller continued the presentation.

Mayor Gilmore inquired whether the assumption of no salary increases through FY 15-16, along with bargaining units not receiving a salary increase for 3 to 4 years, is 6 years without an increase.

The Acting City Manager responded staff is presenting the known facts and is not making a recommendation; stated the numbers show there is a problem without any salary increases; any salary increases change the picture; since staff does not know what the salary increases might look like, current information was used to make projections.

Mayor Gilmore stated it is hard to expect people to take 6 years of no salary increases.

The Controller stated staff did not want to obscure the fact that there is a significant deficit problem even without increases.

Councilmember deHaan stated the Controller has indicated the health benefit increase estimate of 14% is mid range; the last time, the range was 12 to 20%; 14% seems a little on the low side considering Blue Cross has had increases of 30%.

The Controller stated 14% is a best guess; PERS is good at trying to keep the rates down; PERS negotiates for a large number of agencies; the news has indicated individuals have had an 83% increase over the last year; PERS has clout and tends to keep rates down a bit more; the City's Other Post Employment Benefits (OPEB) valuation consultant tends to estimate on a downward sliding scale for health costs.

Councilmember deHaan stated there was hope for a National Health Plan, which is obviously not the case.

The Controller continued his presentation.

Mayor Gilmore stated the City's expense line continues to rise; inquired whether most of the increases are due to the increases in health, OPEB and PERS costs, to which the Controller responded in the affirmative; stated keeping the salary increase out shows the dramatic impact of PERS and health increases, which the City does not control.

Councilmember deHaan stated the City has a \$75 to \$80 million shopping list of deferred maintenance; inquired whether the estimates include any funding for

maintenance.

The Controller responded the same level of maintenance expenditures are assumed for the General Fund; stated other sources of revenue, such as the gas tax and Measure B, can be used for road maintenance.

The Acting City Manager responded the forecast shows everything remaining static.

Councilmember deHaan inquired whether OPEB is being bought down, to which the Acting City Manager responded in the negative;

The Controller stated the estimates assume continuation of pay as you go.

In response to Councilmember deHaan's comments about the next budget cycle, the Acting City Manager stated staff wanted to let everyone know about the problem and give the Council and community time to understand what the City is facing; the City is facing difficult decisions about how to move forward; the presentation assumes that nothing is fixed; solutions for FY 11-12 will bring down future deficits; decisions are difficult; staff is looking at on-going and one time fixes.

Councilmember deHaan noted one time revenue was used in FY 10-11.

The Controller stated the sources of one time revenue were \$1.9 million from the transfer tax and \$2 million from reimbursements from outside funds; neither will reoccur in FY 11-12, which is part of why revenues are forecasted to drop from \$73 million in FY 10-11 to \$67 million in FY 11-12; one time solutions do not help the situation long term.

Councilmember Johnson inquired how confident the City is with the State's situation, to which the Acting City Manager responded an upcoming slide addresses redevelopment.

In response to Councilmember Johnson's inquiry regarding gas tax, the Acting City Manager stated staff has not heard anything about the State talking the gas tax; redevelopment has been the focus; the State is also messing with libraries; the General Fund is impacted if the State takes away redevelopment.

In response to Councilmember deHaan's inquiry regarding the \$2 million reimbursement, the Controller stated Alameda Municipal Power owed the City \$1.1 million; \$850,000 came from the City not billing the Assessment Districts properly for administrative costs going back 10 years averaging about \$80,000 per year; the correct amount would be charged going forward; continued the presentation.

Councilmember Tam inquired what portion of the \$581,000 in the CIC budget is cost reimbursement for public safety that would be eliminated if the Governor's proposal to eliminate redevelopment is successful.

The Controller responded that he would look into the matter and provide information

back to Council.

Mayor Gilmore inquired whether cuts are the only way departments would be able to absorb the decrease in General Fund revenues, to which the Controller responded either General Fund revenues would have to increase or expenditures would have to be cut; noted the City plans on conducting a Cost Allocation Plan in FY 11-12.

Mayor Gilmore stated in the event redevelopment goes away, not only the redevelopment activity goes away, the redevelopment agency's share of paying for overhead, such as Legal, Finance, and Human Resources would be eliminated; departments would have to pick up a larger share of costs.

Councilmember deHaan noted the costs are fixed.

The Controller continued his presentation.

Councilmember Johnson noted the City was expecting to have PERS increases in FY 12-13, not FY 11-12.

The Controller stated the FY 11-12 budget just rolled over the amounts from the FY 10-11 budget and did not include cost of living adjustments.

In response to Councilmember Johnson's inquiry about whether PERS indicated there would not be an increase until FY 12-13, the Controller stated PERS provided information in October 2009; PERS was not sure if the assumed rate of return would be changing and indicated the matter would be addressed in February; the Board decided not to increase the rate to 7.5%, which would have increased the City's cost by 1 to 4%.

Councilmember Johnson inquired what the increased amount is based on if PERS did not adjust rates and is leaving the rate 7.75%.

The Controller responded PERS lost 24% in 2008; PERS valuations are two years behind; reviewed a slide which shows rates remaining the same from FY 08-09 to FY 10-11; stated the first smoothing mechanism PERS adopted did not assume such a dramatic loss; the City would have had to pay a huge increase under said mechanism; PERS adopted a new smoothing mechanism, which makes rates gradually go up and keeps rates from going up 10% or more in FY 11-12; the drawback is rates would stay higher for a longer period of time.

In response to Councilmember Johnson's inquiry regarding PERS's current return on investment rate, the Controller stated the rate changes daily, but he has heard PERS has earned 10 to 11% for the year; earning a little more than 7.75% provides little benefit next year because smoothing is spread over such a long period of time.

Councilmember Johnson inquired how much loss in the PERS portfolio has not been realized; stated one loss was the huge investment in Mountain House; the property

would not be worth very much for a long period of time; PERS has not taken some losses yet.

The Controller responded staff does not have the full information on the issue, but it could be the case.

Councilmember Johnson stated PERS having a little more transparency would be nice.

Mayor Gilmore stated the public needs to know PERS takes gains and losses without feeling it; when PERS has a loss, the costs are passed onto cities, counties and agencies in the retirement system; PERS takes no risk as an investment entity and does not have incentive to be very careful.

The Controller continued the presentation.

Councilmember Johnson stated staff is creating a benchmark by not adding employees; however, employees retire and the City would hire new people, which adds costs.

The Controller stated PERS averages the number of retirees per year, how long retirees are living, and the number of active employees; if the number of active employees drops, there is a smaller base over which to spread PERS cost, which could cause the rate to go up; continued the presentation.

Councilmember deHaan stated that he does not see the General Fund exposure to lawsuits, which usually comes out of the General Fund; that he thinks SunCal's lawsuit is under ARRA; the City has other exposures; inquired how the amount is addressed.

The Controller responded the costs are taken care of in several different ways; the City Attorney's General Fund budget covers some costs; Risk Management insurance is in a separate Internal Service Fund; departments all pay a pro rata charge; the idea is enough reserves are built up over time to cover a one year hit; continued the presentation.

The Acting City Manager continued the presentation.

Mayor Gilmore requested clarification on the Controller's statement about PERS costs going up.

The Controller stated PERS costs go down, but the rate could potentially go up because there is a smaller base over which to spread costs; for example, the PERS costs could go down by \$200,000, but the rate could increase a percent or two; reductions in work force lower both salary and benefit costs.

The Acting City Manager stated reducing the workforce would create a savings; continued the presentation.

Councilmember deHaan inquired whether a theater admission tax has to go to the voters, to which the Controller responded it depends on how the tax is structured.

The Acting City Manager noted new fees are treated differently under Proposition 26.

Vice Mayor Bonta inquired what is the threshold on a general tax, to which the Acting City Manager responded 50% plus 1; stated a public safety parcel tax requires a 2/3 vote.

Councilmember deHaan inquired whether the City would not receive County EMS revenue to pay for arrears.

The Interim Fire Chief responded the \$3.2 million in arrears would be paid for over 15 years out of first responder Advances Life Support (ALS) franchise fees from the new paramedic transport provider, Paramedics Plus.

The City Manager noted the amount is in addition to the \$860,000 annual amount for the current and next fiscal year.

Councilmember deHaan stated the City would forego revenue it would have received from the County; the County is going to go forward with a process to address the annual costs.

The Acting City Manager stated the City is working to see if the County's existing Measure C can be extended to Alameda; the City is going through the Local Agency Formation Commission (LAFCO) process; then, a Board of Equalization process that starts in December; the tax would not be added to the tax roll until August 2012.

Councilmember deHaan inquired how the amount was accounted for in the out years, to which the Acting City Manager responded staff is assuming the tax would be collected in FY 12-13; if the tax is not collected, the City would have an additional General Fund expense.

In response to Councilmember deHaan's inquiry, the Acting City Manager stated if not successful, the amount would be an on-going General Fund expense or the City would need to place a tax on the ballot.

Councilmember Tam stated the Firefighters brought forth the concept of providing ambulance transport with Basic Life Support (BLS) and charging a fee for the service; a business plan was presented to management at one time; inquired whether there have been any further conclusions about the matter.

The Acting Fire Chief responded the conclusion is that it is not viable for the City to provide an exclusive BLS transport service; the City does not have exclusive rights for BLS transportation.

The Acting City Manager inquired whether the City would not be competitive in the market place, to which the Acting Fire Chief responded in the affirmative.

Mayor Gilmore stated other providers do not keep vehicles on the Island; inquired whether or not the City would have a competitive advantage because its apparatus is here.

The Acting Fire Chief responded the City does not have the legal right to provide the service.

Mayor Gilmore inquired whether Paramedics Plus has the exclusive right, to which the Acting Fire Chief responded in the negative; stated other private ambulance companies in the County also have the right to provide BLS transport services.

Mayor Gilmore inquired whether the companies contract with the County, to which the Acting Fire Chief responded in the affirmative.

The Acting City Manager stated another challenge is an ambulance providing BLS transport service would not be available to respond to ALS calls.

The Acting Fire Chief concurred; stated additional ambulances and staff would have to be added, which would be very expensive.

Mayor Gilmore inquired whether the County is the licensing agency and whether the first step the City would have to go through would be a process with the County to have the right to provide the service.

The Acting Fire Chief responded in the affirmative; stated staff has discussed the matter with Alameda County EMS; without an exclusive agreement, the City would be competing with private providers; the City having the exclusive right to BLS transport could be profitable.

Mayor Gilmore stated that she understands the City would be competing and was questioning whether the City would have a competitive advantage based on being physically on the Island; stated other ambulance services have to come off of the Island to service Alameda residents.

The Acting Fire Chief responded his concern is with using existing ambulances for the service; transporting non-emergency patients would commit ambulances causing them not to be able to respond to emergency calls.

Councilmember deHaan stated Alameda Hospital had an ambulance; inquired whether Vice Mayor Bonta knew the use of said ambulance.

Vice Mayor Bonta responded Alameda Fire Department ambulances, as well as private company ambulances, are used by Alameda Hospital.

Councilmember Tam stated the Hospital contracts for ambulance service.

Councilmember deHaan stated the ambulance has Alameda Hospital painted on it.

The Acting Fire Chief stated said ambulance is an AMR ambulance.

Councilmember deHaan inquired whether the ambulance is used for the BLS service, to which the Acting Fire Chief responded in the affirmative.

Councilmember deHaan stated the City [providing BLS] would be going into an already covered territory.

Councilmember Tam stated that she recalls seeing a provision in the EMS Contract that allows the City to provide BLS transport.

The Acting Fire Chief responded that he would research the matter and provide information back to Council.

Mayor Gilmore requested information be provided back.

The Acting City Manager stated staff would provide the information.

Vice Mayor Bonta stated that he has heard an argument that there is an exclusive operating right for BLS; inquired why staff believes this is not true.

The Acting Fire Chief responded for 10 years he has heard that the City had an Exclusive Operating Agreement (EOA) for BLS; in the last 12 months, Alameda County EMS clarified that the City does not have an EOA; an EOA is not in the City's contract.

Councilmember Tam stated that she would appreciate staff checking the Contract; that she remembers the Contract including non-emergency BLS service.

The Acting City Manager stated staff would check the Contract and contact the County to clarify, if needed.

Councilmember Tam stated staff should do more than just check the Contract and should help Council to understand whether or not the potential to generate revenue has been evaluated since the City has a geographic advantage with the ambulance service being on the Island.

The Acting City Manager finished the presentation.

Mayor Gilmore stated staff put together thoughtful questions; the City should look at doing all of the things presented; the matter is a timing issue; a combination of structural and one-time fixes could be done for the next budget knowing that the following year

there might be additional structural changes; that she is not sure the organization can deal with biting the bullet in one fiscal year; it [restructuring] might have to be done over a period of time, maybe the next two to three years; the City would have to look at the cost side; maybe going out for taxes could be done in the third year after appropriate polling has been done; cost sharing with employees would have to be reviewed; there would have to be discussions with employees about certain give backs; the City would have to do all of said things; the presentation starts the conversation; all of the things [in the presentation] would have to be done over the next several years to ensure that the City is put in a position to be fiscally sustainable on the General Fund side; in terms of across the board cuts versus being surgical, Council direction has always been try to absorb the cuts internally and impact service to the citizens the least amount possible; the City has been a victim of its own success; services to residents have not been impacted; cuts should be surgical; the City exists to provide services; Council would have to discuss core services and priorities with residents; decisions and discussions would be tough.

Councilmember Johnson stated Council should be provided with the departments' proposals of 5% and 10% cuts.

The Acting City Manager stated the departments are putting the finishing touches on the proposals.

Councilmember Johnson stated providing the information to Council in the upcoming weeks or month would be helpful.

Vice Mayor Bonta inquired whether direction about how to make cuts was provided to department heads, to which the Acting City Manager responded that she acknowledged that departments know their budgets better than her; stated departments were directed to determine core services, what they can live without and how cuts would be made; the numbers are really large in some departments; cutting contractual dollars, supplies and materials would not be enough; programs would have to be cut, which might include people in some departments; that she wanted to see what departments could do.

Mayor Gilmore stated when the proposals come to Council, she would like to know specific impacts; that she does not just want to see a number, she wants to know what is associated with the number, such as how many people, specifically what programs would be cut, whether programs are internal, such as training, and what community programs are being cut; if it is a question of things staff does, such as mowing parks every 2 weeks rather than 10 days, she wants to know impacts to provide the information to the community so the community and Council can understand what the cuts mean.

The Acting City Manager stated said information could be put together.

Councilmember deHaan stated everyone has to be concerned about the out years; immediate years have been addressed through smoke and mirrors, such as refinancing

on bonds two or three times; the day and age of a one time effort to make it through one year is not there; a 10% cut to certain core services could be really devastating; that he is open to have everything come back; everything is on the table; the second year could be the drop dead date when the reserves would be depleted; Council needs to step in and put things in perspective; it is going to hurt; the Council and community need to understand what is going to happen; the City did not even sneak by this year as there is a \$4 million shortfall and one time revenue generation was eaten up; the situation has to be solved; every municipality is going through something similar.

Councilmember Tam stated the staff approach of looking at structural and one time fixes is good; all fees should be evaluated; she paid \$31 to park in San Francisco; comparisons are important; property tax revenue does not seem to be going down and is more or less staying stagnant; that she would like to understand whether revenues are not keeping up with expenditures.

The Acting City Manager responded that is exactly it; stated the City has modest revenue growth and immodest expenditure growth; the growth in expenditures cannot be supported.

Councilmember Tam stated the City has been living on prior cuts; staff cuts were made last year; after cuts have been made, it seems more cuts are needed; it is kind of a death spiral.

Councilmember Johnson concurred.

The Acting City Manager stated staff cuts were made in May 2009; most of the cuts were in Community Development, which is not under the General Fund; the Community Development fund is doing pretty well right now as a result of eliminating the positions.

Councilmember Tam stated the City is reaching the point of being close to running on fumes.

The Acting City Manager concurred; stated said status is why staff is looking at structural changes; one time solutions are just band aids, that would only get the City so far, and would be fine if things would be okay in FY 2012-13, which is not the case; additional expenditure increases are predicted for FY 2012-13 and revenues are not growing to keep pace; structural changes need to be made now to bring expenditures down and bring the revenue line and expenditure line closer together.

The Controller stated revenues are stagnating and are not growing like they were several years ago; revenue growth of 2 to 3% is not very much.

Vice Mayor Bonta stated street level service cuts should be minimized; the point where service is delivered to the community should be protected as much as possible; the pain should be shared and spread throughout the entire organization; there should not necessarily be any protected groups, including management and executive teams

sharing in reductions; a 5% top to bottom cut was done at the Hospital including from the Chief Executive Official down, which was good for morale and is a good principle; that he would hate to see only street level cuts brought back without looking at management, administration and overhead closely; everything needs to be on the table; closing the gap needs to be done by a combination; one time fixes could be a part of the overall solution, but not something that the City relies on too heavily; ways to make structural changes need to be found.

Councilmember Johnson concurred with the Council sentiment that everything needs to be reviewed; stated core services have to be defined carefully; some might not consider parks, recreation, or library hours core services; the library is packed every time she is there; library is a core service; recreation provides child care and after school care, which are core services; there is a structural problem; although the City has probably made cuts every year for the last 8 years, there is still an on going problem; the problem would continue because unlike a private company, the City has a difficult time adjusting expenses; the structural imbalance has to be fixed, which cannot be done in one year.

Mayor Gilmore stated the City is not a private business, has fixed overhead and provides services; the City does not make widgets and cannot adjust its production line; employees are the City's assets; the City has limited methods of trimming overhead and does not have flexibility like private enterprise; the City has to take into account the needs of its service population, which is its residents.

Councilmember deHaan stated property taxes are a driving force of decreased revenue; sales are ¼ of normal; the inventory on the market is four times higher than normal; the assessor automatically makes adjustments every year; training, travel, and overtime are the first things addressed and eliminated off the bat, as well as bottled water and catered lunches; the changes start with Council; the City cannot live with overtime of 15 to 20%; the 4 day work week was implemented in the early 1990's, which has caused headaches; being open 5 days with the 4 day work week resulted in more part time workers to fill the gap; there was not really a savings; a decision has to be made about closing down one day a week; Council is obligated to review said items; hopefully, the City heading in the right direction would help in 2-3 years; one time adjustments cannot be done anymore.

* * *

Councilmember Tam left the dais at 8:46 p.m. and returned at 8:48 p.m.

* * *

Vice Mayor Bonta stated another way to pursue revenue generation is through business attraction and retention efforts, such as VF Outdoors and Lawrence Berkeley National Lab; said efforts would provide transfer taxes, property taxes and increase sales tax revenues and are part of the solution.

The City Treasurer addressed the Council.

Councilmember Johnson requested the City Treasurer to explain his statements about San Jose and Oakland.

The City Treasurer stated San Jose is looking at 10% pay cuts; Oakland laid off officers, which ended up in negotiations and officers are sharing PERS costs; there are blue prints out there; the Acting City Manager could gather up sample data points; the problem is not unique; the City is not alone in the problem, but is alone in not addressing the problem; the City is on the Vallejo trajectory [bankruptcy]; Vallejo's public safety was 75% of its budget; the City is past the red zone.

Councilmember Johnson stated current employees and retirees should have the most interest that the City is on a sustainable course; PERS expenses continue to go up and Police and Fire have to be cut to make PERS payments; cities start defaulting on PERS and OPEB payments if the price gets so high that services cannot be cut enough to pay for retiree expenses.

Mayor Gilmore stated in many cases, retirees have better benefits than employees working today; the people working today are supporting the retirees; in the trajectory of the system, tomorrow's workers would not be there to support the current generation of active employees; if not changed, the active employees would not be collecting anything.

Councilmember Johnson stated there are current employees under Oakland's old retirement system and Oakland is threatening not to pay; retirees should not feel secure.

The City Treasurer stated in the Vallejo case, retiree medical benefits were reduced by 75%; the City has medical obligations it cannot pay.

Councilmember Johnson stated government might have to decide between having current employees and providing services versus paying obligations for retirees.

The City Treasurer stated the City could reach the point where the Courts decide what would be provided if something is not done; something has to be done immediately; that he is available to support the Council and review information.

The City Auditor addressed the Council.

Mayor Gilmore stated the City Council does not believe the City will get out of the mess by simply raising revenue; it is clear that the City has to make cuts and restructuring has to be done; restructuring does not do any good on day 1, but may do some good in 15 to 20 years; the City has to come up with long term solutions for its pension and OPEB; here and now type of savings are also needed; one way to achieve present savings is people taking cuts across the board; another option is layoffs, which impact service to the public; response times being twice as long due to public safety layoffs could be a new reality; the Council has to communicate said things to the public; the community

needs to understand and support impacts; it comes to: need to have, want to have and what the community will accept.

The City Treasurer stated some fixes, like changing the system for new employees, would not help in the short term; as far as what the City could do today, stop the defined benefit plan tomorrow; buy everybody out; the bill would be huge and money would have to be borrowed, but the bleeding would be stopped; that he is not sure whether the idea is legal or would be accepted by the unions; public safety has to be discussed because it is the lion share of the budget; the City has a specific amount of money and cannot create a lot more; the City could try to bring in business and revenues, but has a finite amount of money; services require a certain staffing level; all City employees, including public safety, are in tune with providing high quality services to the citizens; there is a finite amount of money, which should be divided amongst the number of employees desired to meet a certain staffing level; the calculation is pretty easy; hopefully, employees and services would not have to be cut.

Mayor Gilmore stated the Auditor's and Treasurer's input is always welcome, valuable and appreciated.

Councilmember Johnson inquired what the proposal would be on the OPEB issue, to which the Acting City Manager responded right now, the City is doing pay as you go and is not contributing to buying down its liability; a capital improvement discretionary fund has about \$2.7 million; some portion could be used to start funding the OPEB liability; that she does not have a plan for really chipping away at the \$75 million and growing liability; she is focusing on the \$6 million budget hole, which is to the detriment of long term needs; the City has both an OPEB and deferred maintenance problem; the matter should have been addressed when the City was in a better financial situation; an alternative would be to cut more and put more toward OPEB; the City does not have unlimited resources to spread around and start buying down long term liabilities.

Councilmember Johnson stated the City needs to discuss the matter; no year is a good year.

Mayor Gilmore stated more community input is needed when the discussion is held; encouraged citizens to participate; stated really difficult decisions would need to be made that would impact everyone; the Council wants to hear from people before making decisions.

Councilmember Johnson stated the City has had budget difficulties for many years which would continue for many years to come; the City needs to start doing something about long term obligations; the City has obligations and needs to ensure what it commits to is sustainable and there is enough money to pay.

Councilmember deHaan stated the start of the fiscal year is only months away; it is too late to get the public to come up with solutions; it is time for the Council to make hard decisions; getting feedback from the public would take months.

Mayor Gilmore stated that City would go forward with the normal budget process and timeline; going forward, she wants more members of the community aware of what is being done before the fact as opposed to after the fact.

Councilmember deHaan concurred; stated decisions have to start being made as soon as possible; there would not be consensus from the public; direction would have to come from Council; the US Government split its retirement system back in the early 1980's; working through the cycle took 30 years; changing the system would not help today; Council has to start making hard decisions.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 9:36 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - - APRIL 5, 2011 - - - 6:00 P.M.

Mayor Gilmore convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

The special meeting was adjourned to Closed Session to consider:

(11-___) Conference with Legal Counsel--Anticipated Litigation (Gov. Code Section 54956.9(b)); Number of cases: Two.

(11-___) Liability Claims (54956.95) - Workers' Compensation Claim; Claimant: Robert Villa; Agency claimed against: City of Alameda.

Following the Closed Session, the special meeting was reconvened and Mayor Gilmore announced that regarding Legal, Council provided direction to staff; reported that on April 1, 2011, City Attorney Terri Highsmith provided the City with formal written notice of her retirement from and separation of service from the City effective May 3, 2011; in Closed Session, the Council unanimously confirmed and accepted her retirement and resignation from the City effective May 3, 2011; regarding Liability, Council provided direction.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED
MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 5, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:18 p.m. Vice Mayor Bonta led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

(11-) Mayor Gilmore announced that the Housing Authority Board of Commissioners (HABOC) agenda would be addressed after Oral Communications.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-) Proclamation Declaring the Month of March “Women’s History Month”

Mayor Gilmore read and presented the proclamation to Anne Spanier, League of Women Voters.

(11-) Proclamation Congratulating College of Alameda on its 40 Years of Service to the Community.

Mayor Gilmore read and presented the proclamation to Dr. Jannette Jackson, College of Alameda President.

Dr. Jackson introduced Dr. Wise E. Allen Peralta Community College District Chancellor; former Mayor Bill Withrow and Abel Guillen from the Peralta Board of Trustees; and College staff members and students; provided a handout.

Mr. Withrow commented on constraints and difficulties facing the College of Alameda.

(11-) Proclamation Declaring April as Autism Awareness Month.

Mayor Gilmore read and presented the proclamation to Jodi Moore, Commission on Disability Issues (CID).

Ms. Moore recognized the members of the CDI and audience members present with loved ones affected by Autism, announced upcoming Autism awareness events and provided a handout.

(11-) Proclamation Declaring April 16, 2011, as Earth Day.

Mayor Gilmore read and presented the proclamation to Ruth Abbe, Community Action for a Sustainable Alameda; and Sharyl Nelson-Embry, East Bay Regional Park District.

Ms. Nelson-Embry and Ms. Abbe announced upcoming activities.

(11-) Proclamation Declaring May 2011 as Asian Pacific Heritage Month.

Mayor Gilmore read and presented the proclamation to Judy Gong, Benny Chin, and Austin Tam.

Ms. Gong invited everyone to attend the Spring Festival on May 1st and submitted a flyer.

CITY MANAGER COMMUNICATIONS

(11-) Provide Direction on Improving the City of Alameda's Secondhand Smoke and Tobacco Control Policies

Speakers: Jonathan Wong, Alameda High School Student; and Elizabeth Wong, Alameda High School Student.

ORAL COMMUNICATIONS, NON-AGENDA

(11-) Hunter Stern, International Brotherhood of Electric Workers Local 1245; Dave Connolly, Alameda resident and Sailors' Union of the Pacific (SUP) Union; Jeff DelBono, International Association of Fire Fighters Local 689; Mike Henneberry, Alameda resident and United Food and Commercial Workers Local 5; and Cindy Zecher, Alameda resident and California School Employees Association, discussed unions not being responsible for budget issues.

(11-) Jenny Lee, Oakland, discussed a complaint she submitted about the Library and submitted a handout.

(11-) Roderick Coleman, Alameda, discussed problems with staff at Operation Dignity.

In response to Councilmember Tam, the Housing Authority Executive Director stated that he would be meeting with Mr. Coleman.

(11-) Randolph Belle, RBA Creative, discussed the opening of an art studio and gallery; and submitted a handout.

(11-) Nancy Hird, Alameda; Corrine Lambden, Alameda; Adam Gillitt, Alameda; and Jim Oddie, Alameda, discussed budget issues facing Alameda.

* * *

Mayor Gilmore called a recess to hold the HABOC meeting at 8:36 p.m. and reconvened the meeting at 9:00 p.m.

* * *

CONSENT CALENDAR

Councilmember Tam moved approval of the Consent Calendar.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*11-) Minutes of the Regular City Council Meeting Held on March 15, 2011; and the Special City Council Meeting Held on March 26, 2011. Approved.

(*11-) Ratified bills in the amount of \$4,194,923.45.

(*11-) Recommendation to Authorize the Public Works Director to Enter into a Letter of Agreement between the City of Alameda and the West Alameda Business Association for the Administration of a Monthly Parking Permit Program in City Owned Lot W. Accepted.

(*11-) Recommendation to Authorize the Public Works Director to Enter into a Letter of Agreement between the City of Alameda and the Park Street Business Association for the Administration of a Monthly Parking Permit Administration in City Owned Lots A and C. Accepted.

(*11-) Recommendation to Accept the Work of Mountain Cascade to Pipeburst Existing 14 Inch VCP Storm Drain Pipe and Replace with 16 Inch HDPE Pipe on Eighth Street, between Pacific Avenue and Lincoln Avenue. Accepted.

(*11-) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for Repair and Resurfacing of Certain Streets, Phase 30, No. P.W. 10-10-26. Accepted.

(*11-) Recommendation to Receive an Update on the City's Green Initiatives. Accepted.

(*11-) Recommendation to Authorize the Purchase of Two Marked Ford Crown Victoria Police Vehicles through the Los Angeles County Vehicle Bid Contract at a Cost Not to Exceed \$50,000.00. Accepted.

(*11-) Resolution No. 14559, "Approving Amendment to the Memorandum of Understanding Between the City of Alameda and the Alameda Police Officers Association Non-Sworn Unit for the Period Commencing December 20, 2009 and Ending December 18, 2010, and Extended through March 26, 2011." Adopted;

(*11- A) Resolution No. 14560, "Approving Amendment to the Memorandum of Understanding Between the International Brotherhood of Electrical Workers Local 1245 for the Period Commencing January 1, 2009, and Ending December 18, 2010, and Extended through March 26, 2011." Adopted;

(*11- B) Resolution No. 14561, "Approving Amendment to the Memorandum of Understanding Between the Management and Confidential Employees Association for the Period Commencing January 1, 2005 and Ending December 20, 2008, Extended through December 12, 2009, Extended Again through December 18, 2010 and Extended Again through March 26, 2011." Adopted.

(*11-) Ordinance No. 3028, "Amending the Alameda Municipal Code to Amend Chapter XIII (Building and Housing) by Repealing Article I (Uniform Codes Relating to Building, Housing and Technical Codes) in its Entirety and Adding a New Article I (Uniform Codes Relating to Building, Housing and Technical Codes) to Adopt the 2010 California Building Code, the 2010 California Residential Code, the 2010 California Historical Building Code, the 2010 California Electrical Code, the 2010 California Plumbing Code, the 2010 California Mechanical Code, the 2010 California Energy Code, the 2010 California Green Building Standards Code, the 1997 Uniform Housing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amend Chapter XV (Fire Prevention) by Repealing Section 15-1 in its Entirety and by Adding a New Section 15-1 to Adopt the 2010 California Fire Code. Finally passed.

(*11-) Ordinance No. 3029, "Amending the Alameda Municipal Code by Repealing Article II (Boards and Commissions) of Chapter II (Administration) in Its Entirety and by Repealing Subsection 30-65.7 (Public Art Commission) of Chapter XXX (Development Regulations) in Its Entirety and Adding a New Article II (Boards and Commissions). Finally passed.

REGULAR AGENDA ITEMS

(11-) Public Hearing to Consider Introduction of Ordinance Amending Section 30-7 of the Alameda Municipal Code Related to the Off-Street Parking and Loading Space Regulations. Amended and introduced.

The Planning Services Manager gave a brief presentation.

Mayor Gilmore inquired what "unbundling parking costs from leases" means.

The Planning Services Manager responded a person would have the option of purchasing a condominium without purchasing the associated parking spaces.

Mayor Gilmore inquired whether the Planning Services Manager means existing parking spaces.

The Planning Services Manager responded the issue is on the menu for future projects.

Mayor Gilmore inquired what would be the concept for reassigning spaces.

The Planning Services Manager responded reassigning spaces would work on a project-by-project basis and would have to be managed by the landlord or property owner; stated a person would not have to buy parking if parking is not needed.

Councilmember deHaan stated the property would be encumbered forever; leasing would be a different story.

The Planning Services Manager stated a person could request a reduction in the parking requirement; unbundling is a concept many cities are considering.

Councilmember deHaan stated approximately eighteen months ago, an effort was made to establish parking requirements by retail type.

The Planning Services Manager stated retail has been broken down into one or two categories; a restaurant is separate from non-restaurant retail uses; an art gallery would require a huge amount of parking.

Councilmember Tam stated Alameda Hospital ran into a similar issue and implemented tandem and free, valet parking because of residential spillovers.

Vice Mayor Bonta inquired whether feedback has been received from the business associations.

The Planning Services Manager responded the Park Street Business Association (PSBA) and West Alameda Business Association (WABA) are supportive and involved; private parking lots in commercial areas are underutilized, while on-street parking spaces are often full.

Vice Mayor Bonta inquired whether more can be done on the maximization and optimization of existing parking spaces.

The Planning Services Manager responded on-street and off-street pricing require constant monitoring; stated everyone would benefit from sharing private lots.

Mayor Gilmore requested clarification on parking in driveways.

The Planning Services Manager stated the provision prohibiting parking in driveways has been eliminated; a different section of the Municipal Code addresses where a person can and cannot leave a car.

Mayor Gilmore stated that she is happy that parking in driveways is permissible.

Councilmember Tam stated increasing parking fees to \$1 per hour for Lot C and keeping fees low for the parking garage encourages short-term parking in business areas; inquired whether the fees have been effective in terms of competition for short-term parking and on-street parking, to which the Public Works Director responded people still prefer street parking.

Councilmember Johnson stated alleyways should be available for businesses and restaurants; PSBA and WABA parking should be reviewed; sometimes, the City waits too long and opportunities go away; currently, Webster Street does not have a parking problem; inquired whether parking across a sidewalk is not allowed, to which the Planning Services Manager responded in the affirmative.

Councilmember Johnson stated Alameda High School has an ongoing request for designated spots for school use.

The Public Works Director stated the School District has a draft letter of agreement for twenty spots for teachers.

Councilmember Johnson stated student monthly passes should be considered for students.

The Public Works Director stated monthly parking rates have been reduced significantly to encourage parking at the parking structure; the rates are 50% lower than for parking at a meter.

Councilmember Johnson stated parking structure rates should be more than 50% lower.

Mayor Gilmore stated most of the morning traffic is generated by people going back and forth to school; traffic jams do not occur in the summer months; students should not be encouraged to drive.

Councilmember Johnson stated students drive; the difficulty is that students park in neighborhoods all day; the problem cannot be solved for all neighborhoods; students would more likely park in monthly pass spaces instead of [School District] staff.

Mayor Gilmore suggested tabling the issue to the next item on the agenda.

In response to Councilmember deHaan's inquiry regarding businesses offering additional spaces to other merchants or personnel, the Planning Services Manager stated the issue would be studied on a case-by-case basis.

Councilmember deHaan stated Council has been very gun shy regarding the matter in the past.

The Public Works Director stated City approval would be needed; Napa offers additional spaces; staff is encouraging new businesses to partner with existing parking lots to

meet parking needs.

Councilmember deHaan stated theater parking requirements were overstated and are not needed.

The Deputy City Manager – Development Services stated parking is very well utilized during peak hours and on weekends.

Speaker: Robb Ratto, PSBA.

In response to Mr. Ratto's comments, the Public Works Director stated a ten-year term [for the shared parking agreement] has been suggested because of the concern of whether parking lots would be available for other customers long term; noted five years would be too short; stated seven years might be appropriate.

Mayor Gilmore stated the number of years could always be adjusted later.

Councilmember Johnson moved introduction of the ordinance with a revision to change the shared parking agreement to seven years.

Councilmember deHaan seconded the motion.

Under discussion, Vice Mayor Bonta requested clarification on the timing of the ordinance.

The Planning Services Manager stated the ordinance would go into effect thirty days after the second reading [final passage].

Vice Mayor Bonta inquired whether an existing business could request a change under the new ordinance, to which the Planning Services Manager responded absolutely.

Councilmember Johnson stated a streamline process should be developed.

The Planning Services Manager stated the zoning administrative process could be used.

Mayor Gilmore stated the process would only be used for parking.

On the call for the question, the motion carried by unanimous voice vote – 5.

(11-) Introduction of Ordinance Amending the Alameda Municipal Code by Repealing Section 12-17 (Preferential Parking Zones) of Article III (Permit Parking) of Chapter XII (Designated Parking) in Its Entirety, and by Adding a New Section 12-17 (Preferential Parking Zones) to Modify the Procedures Relating to the Designation of Preferential Parking Zones. Amended and introduced.

The Public Works Director gave a brief presentation.

Councilmember Johnson inquired what a permit would cost, to which the Public Works Director responded \$40 per year.

Councilmember Johnson inquired whether neighborhood meetings have been held.

The Public Works Director responded in the negative; stated a public workshop would be held before establishing a parking permit zone.

Mayor Gilmore requested clarification of the conceptual process.

The Public Works Director stated a Parking Permit Program (PPP) zone would need to be located in close proximity to a C-C zoning district or major parking generator; a minimum of 600 housing units would be needed; the zone would need to be comprised of a minimum of 85% residential properties and have at least an 85% parking demand for any three-hour period between 8:00 a.m. and 6:00 p.m.; residents would need to submit a petition signed by a minimum of 55% of property owners; only one signature per dwelling unit or business would be counted; the City would conduct a parking study; a public workshop would be held; recommendations would be provided; staff would then come back to Council with a recommendation to establish a PPP zone.

Mayor Gilmore inquired whether the process would be resident initiated, to which the Public Works Director responded in the affirmative.

Mayor Gilmore inquired whether permits would be for Monday through Friday, to which the Public Works Director responded in the affirmative.

Mayor Gilmore inquired whether a resident would be charged \$80 per year for two cars, to which the Public Works Director responded in the affirmative.

In response to Councilmember Tam's inquiry, the Public Works Director stated [eligible] areas would be limited; communities would need to buy into the program; staff receives complaints from Jackson Park and Alameda High School area residents on a regular basis.

Councilmember Tam inquired whether only residents can initiate a PPP request, not institutions.

The Public Works Director responded staff has not addressed who would be able to initiate the request, only how many people could sign the petition.

Councilmember deHaan stated the 600 housing unit threshold is huge; that he is not sure whether said threshold could be met; getting 55% of the residents to sign a petition would be tough.

The Public Works Director stated the threshold is standard; people would park the next block over if the threshold were for one block.

Vice Mayor Bonta inquired whether other cities require a minimum of 600 housing units and a 55% threshold.

The Public Works Director responded thresholds vary; one city has a 51% threshold.

The Supervising Civil Engineer stated Alameda County and Oakland have a 33% threshold; other cities range from one-third to one-half.

Vice Mayor Bonta inquired whether Alameda would be on the high end of the threshold but a high threshold would be needed for fiscal neutrality of the General Fund.

The Public Works Director responded looking to the General Fund would be necessary without the recommended threshold.

Councilmember deHaan inquired whether the start up process would need to be [periodically] reviewed because of turnover.

The Public Works Director responded permit fees would be adjusted annually to ensure costs are covered; stated the proposed ordinance has a provision that would allow Council to dissolve a PPP zone if the zone is not self-supporting.

Councilmember Johnson stated the PPP zone would not be a bad thing to have in place; stated the Jackson Park, Hospital, and High School areas would not be able to meet the 600 housing unit threshold.

The Public Works Director stated the threshold would be six contiguous blocks or 600 housing units.

Mayor Gilmore stated a lot of Bay Area cities have a 33% threshold but are subsidized by the General Fund; the City's General Fund would not subsidize the PPP.

Speaker: Robb Ratto, PSBA.

In response to Councilmember deHaan's comment, the Public Works Director stated no one within the commercial district would be able to be part of the PPP; businesses within a residential area would be allowed to get a permit if the business does not have off-street parking; commercial fees within the new zone would be \$40 per year; other cities charge a higher rate for businesses.

The Acting City Manager stated visitor permits would not be provided for businesses within the area.

Councilmember deHaan inquired how many permits a residence could have.

The Public Works Director responded the number of permits is not established in the proposed ordinance; but would be addressed in the resolution establishing the zone; stated some cities allow up to three permits.

Councilmember Johnson stated two-hour parking is the most difficult to enforce; tires need to be marked and rechecked to do an effective job.

The Public Works Director stated the Police Department is aware of the proposed ordinance; the Police Department would need to hire new staff; the cost would be covered by the permit costs.

The Acting City Manager stated some days people would get a free ride; the Public Works Department has worked with the Police Department to establish something that is doable.

Councilmember Johnson stated enforcement in the downtown area should not be reduced; inquired how start up costs would be paid if permits are never issued, to which the Public Works Director responded in-lieu parking fees would be used.

Mayor Gilmore inquired how the PPP would work if Jackson Park residents could not get the 55% minimum but could get 35% to 40% and be willing to pay \$55.

The Public Works Director responded residents should cover upfront costs in case the district is not established.

Mayor Johnson inquired what the upfront costs would be, to which the Public Works Director responded \$4,500 [excluding purchasing a vehicle].

Councilmember Tam inquired whether the Jackson Park area would have the required 600 dwelling units, to which the Public Works Director responded in the affirmative.

Councilmember Johnson suggested installing parking meter boxes at the Jackson Park area and selling parking permits to residents; stated revenue would be generated every day.

The Public Works Director stated a residential permit parking ordinance would still be needed; that he is not sure whether the spillover problem would be eliminated.

Councilmember Tam stated 40% of 600 dwelling units divided by \$4,500 would be \$18.75 per resident.

Mayor Gilmore stated [an \$18.75] credit could be given for the first year permit fee; noted that parking meter boxes are expensive; stated residents would not be motivated [to initiate a petition] if parking is not considered a problem.

Councilmember Tam stated having an ordinance would provide options to address complaints.

Mayor Gilmore clarified that Council direction is to reduce the threshold to 40%, which equates to approximately \$19 per dwelling unit up front that would be credited to the first year permit [if a PPP zone were established]; any unspent money would be given back if the PPP zone failed.

Vice Mayor Bonta inquired what the annual permit fee would be, to which the Public Works Director responded \$40; stated larger zones might have a smaller fee and commercial fees could be higher.

Vice Mayor Bonta inquired whether the fee would still work with a lower threshold, to which the Public Works Director responded the assumption would be that 60% of residents would participate.

In response to Councilmember Tams inquiry, the Acting City Manager stated everything outlined in Exhibit 1 is start up costs except for the \$26,500 vehicle purchase; the annualized cost would be \$45,150.

Councilmember Johnson moved introduction of the ordinance with the revision to add a start up cost [and revise the threshold to 40%].

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 5.

CITY MANAGER COMMUNICATIONS

(11- __) Provide Direction on Improving the City of Alameda's Secondhand Smoke and Tobacco Control Policies

* * *

Councilmember Tam left the dias at 10:33 p.m. and returned at 10:34 p.m.

* * *

The Senior Management Analyst gave a Power Point presentation.

Mayor Gilmore inquired whether tobacco retailers are prohibited within a certain number of feet of schools, to which the Senior Management Analyst responded in the affirmative.

The Senior Management Analyst continued the presentation.

Speakers: Adrian Blakey, Alameda; Judith Fruge, Alameda; Nancy Issel-Mayes, Alameda; Michael Robles-Wong, Alameda; Michael John Torrey, Alameda; Janice Louie, Alameda County Health Department (submitted handout); Dr. Thomas Charron,

Alameda; Nancy Shemick, Alameda County Public Health Commission and Alameda resident; Serena Chen, Alameda Lung Association (submitted handout); Carol Menz, Alameda Unified School District Anti-Tobacco Educator; Rosalyn Moya, Alameda; Michael Kent, Alameda; Michael Chae, American Cancer Society and Alameda resident; and Zalman Sher, Alameda.

* * *

Councilmember deHaan left the dais and returned at 11:18 p.m.

* * *

Vice Mayor Bonta stated all loopholes should be closed; that the City should be very aggressive on the issue; all four policy areas should be addressed; he does not see an outright prohibition for condominiums.

The Senior Management Analyst stated condominiums could be 100% smoking prohibitive.

Councilmember Tam stated fourteen cities within the County have already addressed the issue; suggested using Union City's ordinance as a model.

The Senior Management Analyst stated Union City staff was directed to do whatever necessary to get an A.

Councilmember Tam stated that her direction is the same.

Vice Mayor Bonta stated Council should give direction to get an A+; Union City is not doing anything regarding sidewalks.

Mayor Gilmore stated dining areas would be one of the seven areas targeted for protection; inquired whether smoking on an outdoor patio would be prohibited or would be extended to the front sidewalk, to which the Senior Management Analyst responded whatever Council wants.

In response to Mayor Gilmore's inquiry, the Senior Management Analyst stated secondhand smoke is not considered a nuisance at the State level; declaring secondhand smoke at the local level would lower the threshold for proof of injury.

Mayor Gilmore stated only two cities have declared secondhand smoke a nuisance.

The Senior Management Analyst stated the issue is an emerging issue for cities; Richmond has stated that it would be easier to enforce a misdemeanor than an infraction.

Councilmember deHaan inquired whether cities are shying away because of legal issues.

The Senior Management Analyst responded the issue has not been reviewed as closely as needed to make a legal determination.

Councilmember deHaan inquired where a person would go to smoke, to which Vice Mayor Bonta responded a single family home.

The Senior Management Analyst stated a person could also smoke in a car.

Mayor Gilmore stated one place to start would be to address non-smoking in common areas, disclosure, and the nuisance versus misdemeanor issue; staff could come back for a deeper discussion on non-smoking units.

The Senior Management Analyst stated the Technical Assistance and Legal Center (TALC) drafts ordinances for cities to follow; TALC's secondhand ordinance covers smoke-free workplace areas and outdoor air provisions; housing provisions could be included.

Councilmember Johnson stated the City should be as aggressive as possible; the matter is a public health issue; that she supports as many prohibitions as possible, especially in housing; suggested that staff come back to address whether there are any weaknesses or areas of interest that would keep smoking out of multi-family units.

Councilmember deHaan concurred with Councilmember Johnson; stated screws should be put down on housing units.

Councilmember Johnson inquired whether smoking at all outdoor recreational areas would be prohibited.

The Senior Management Analyst responded in the affirmative, except for the beach because the beach belongs to the East Bay Regional Park District.

In response to Councilmember deHaan's inquiry, the Senior Management Analyst stated the percentage of smokers in Alameda County is 10%.

Councilmember deHaan stated that he feels for smokers; he does not know how smokers will get their fix.

Councilmember Johnson stated that she likes the idea of licensing.

Councilmember deHaan stated the City has received complaints regarding advertising, especially adjacent to schools.

Vice Mayor Bonta stated enforcement of nuisance issues could be outsourced to a private party.

Councilmember Tam requested that staff come back with an ordinance that TALC has

reviewed; stated staff should start with Union City's ordinance and include the City's Housing Authority policy, a provision for nuisances, prohibitions on sidewalk smoking and licensing; information on the impact of Union City's enforcement should be provided.

Vice Mayor Bonta stated staff should come back with information on legal exposure in areas ahead of the curve.

Councilmember deHaan stated staff should look outside of Alameda County also.

The Acting City Manager stated staff has looked at areas outside Alameda County.

Mayor Gilmore stated there will be a lot of discussion around banning smoking in multi-family units and condominiums.

Vice Mayor Bonta stated a number of cities have banned smoking in condominiums.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 11:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
WEDNESDAY - - - APRIL 6, 2011 - - - 6:00 P.M.

Mayor Gilmore convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

The special meeting was adjourned to Closed Session to consider:

(11-) Conference with Labor Negotiators; Agency negotiators: Joe Wiley and Human Resources Director; Employee organizations: Alameda Fire Managers Association, Alameda Police Managers Association, Alameda Police Officers Association, and International Association of Fire Fighters

(11-) Public Employment (Gov. Code Section 54957); Title: City Manager

(11-) Conference with Labor Negotiators (Gov. Code Section 54957.6); Agency designated representatives: Mayor Gilmore and Vice Mayor Bonta; Unrepresented employee: City Manager

Following the Closed Session, the special meeting was reconvened and Mayor Gilmore announced that regarding Employee organizations, Council provided direction for bargaining with the public safety units; regarding Public Employment, Council provided direction; regarding City Manager, Council provided direction on salary negotiation.

Adjournment

There being no further business, Mayor Gilmore adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.